IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No. 6663 of 2009

Date of decision: 16-11-2009

Ishwar Singh Versus Bhim Singh and another

CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA

Present: Shri Vikram Singh, Advocate, for the petititioner

HEMANT GUPTA, J.

Challenge in the present petition is to the order passed by the executing court dated 3.10.2009 whereby objections filed by the respondent against decree for mandatory injunction in respect of the possession of the plot in dispute and directing the defendant to vacate the encroachment on the disputed plot and put the plaintiff in possession of the said plot, were dismissed.

Learned executing court found that it cannot go behind the decree and it has to implement the same as in view of the decree. The Decree Holders has been held entitled to get the possession of the plot by getting the encroachment vacated.

Once the decree has been passed, the same has to be executed even if the petitioner has raised construction over the plot. The petitioner has to vacate the encroachment on the plot in dispute.

Therefore, I do not find any patent illegality or material irregularity in the findings recorded by the executing court which may warrant interference by this Court in exercise of its revisional jurisdiction.

Dismissed.

(HEMANT GUPTA)
JUDGE

November 16,2006
RSK